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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,293	10/14/2003	Robert A. Caradimos	2835/101	9816
2101	7590	02/22/2006	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	
DATE MAILED: 02/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,293

Applicant(s)

CARADIMOS, ROBERT A.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the various shapes of the standoff, i.e., inverted "U", and inverted "A" in claims 11 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed

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invention. The disclosure does not teach the bases edges being coupled to one another by a unitary piece of material. It seems the standoff portion is made from a unitary piece of material. This is a new matter rejection.

3. The specification is objected to for not having antecedent basis for “base edges” and “distal edge”.

4. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what are the distal edges and the base edges in claim 1. Furthermore, the recitation “having the base edges couples to the support portion and the distal edge, the bases edges being coupled to one another by a unitary piece of material” is confusing. It is unclear how the base edges can be coupled to the support port and the distal edge. Coupled to one another what?

5. As best understood view of the 112 matters above, claims 1, 2, 7, 9, 13-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Swartz (1247033). Swartz teaches a support having a support portion with a lower portion and an upper region, back, and front, a lip 11, a hook 4, and a standoff member 9. The standoff member having a distal edge (the free edge of portion 9) and a base edge at portion 8.

The standoff is located on the back of the support as claimed. It is noted that the term “located” is broad. The standoff portion extends toward the backward and can be seen in the back.

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6. Claims 3, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Fiscus (2487536). It would have been obvious for one of ordinary skill in the art to provide the a terminus that curves away from the support portion in Swartz as taught by Fiscus to provide the desired shape for the hook support.

Regarding claim 15, it would have been obvious for one of ordinary skill in the art to provide the support in the claimed dimension to provide the desired size for the support.

7. Claims 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Rogers (651058). It would have been obvious to one of ordinary skill in the art to provide retainers on opposite sides and an empty central region in Swartz as taught by Rogers to save material and to access the contents easily.

8. Claims 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz. It would have been obvious for one of ordinary skill in the art to provide the dimension as claimed to provide the desired support for the container.

Regarding claim 8, it would have been obvious for one of ordinary skill in the art to provide the support with the cross piece to provide the appropriate design for the support portion.

9. Claims 1, 2, 4, 7, 9, 13-14, and 16 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Goodnow (1361981).

Regarding claim 1, 2, 4, 7, 9, 13-14, and 16, to the degree it is argued that the support in Swartz is not located on the back. It would have been obvious to one of ordinary skill in the art to provide the support in Swart as taught by Goodnow to provide an alternative support.

Regarding claims 10-12, it would have been obvious to one of ordinary skill in the art to provide a support having inverted shapes of V or A in Swart as taught by Goodnow to provide an alternative support.

It would have been obvious to one of ordinary skill in the art to provide the support having inverted shape as an inverted "U" to provide an alternative shape of the stand.

10. Claim 1-5, 7-14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Sullivan (5542314). Sullivan teaches a support portion, a lip at 58, 60, hooks 54, and standoff member 104.

Regarding claims 13 it is regarded as an intended use to provide the standoff to be positioned in the horizontal surface in Sullivan. The intended use limitations do not impart any structure over the structures of the support in Sullivan.

11. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Sullivan. Sullivan teaches that it is known in the art to use a supporting structure for holding a laptop in a vehicle. It would have been obvious for one of ordinary skill in the art to use the support of Swartz for supporting a notebook computer in a vehicle as taught by Sullivan to enable to have access to a computer while driving and/or working inside a vehicle.

12. Applicant's arguments have been fully considered but they are not persuasive. With respect to Swartz, applicant asserts that Swartz does not teach the standoff member being located in the back. It is submitted that the term "located" is broad. As set forth above, the standoff portion extends toward the backward and can be seen in the back.

With respect to the new limitations, as set forth above, as best understood view of the 112 matters above, Swartz teaches a distal edge (the free edge contacting the surface in Fig. 2), and a

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base edges (note that there are two base edges) at portion 8 connecting to the support portion as claimed.

With respect to the base edges being coupled to one another by a unitary piece of material, this recitation is confusing because it seems that the standoff portion is made from a unitary piece of material.

With respect to the assertion that the device in Swartz does not teach the support for a laptop, it is submitted that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

With respect to the Sullivan reference, applicant asserts that Sullivan requires two separate standoff member rather than the unitary piece of material, it is submitted that the claim recites only "a standoff member" and one of the two portions 58 or 60 meets this limitation.

With respect to the various edges in the new limitations, it is noted that the term "edge" is broad; any portion in the standoff of Sullivan can be called an edge as claimed.

Regarding claims 13-16, as set forth above, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding claims 17-18, as set forth above, Sullivan teaches that it is known in the art to use a supporting structure for holding a laptop in a vehicle. It would have been obvious for one of ordinary skill in the art to use the support of Swartz for supporting a notebook computer in a

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vehicle as taught by Sullivan to enable to have access to a computer while driving and/or working inside a vehicle.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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